

My name is Georgianna Richmond (nee Lymberatos), and I am resident of 140 Maroubra Rd, Maroubra, situated at the Pacific Square site. My building is also known at the complex as the “Botanica” Building.

I am the Secretary of The Owner’s Corporation of SP81311 - known as the “Botanica” Building at Pacific Square writing on behalf of the Owners’, Owner’s Corporation and Residents and Tenants of 140 Maroubra Rd Maroubra.

I have lived at 140 Maroubra Rd for the last 5 years and have also lived within the suburb of Maroubra for the last 25 years and believe I know and understand the LGA and locals very well.

Once again, I am writing to **formally lodge our objection** to the State Significant Development (SSD) application SSD-81426710 for 138 Maroubra Road, Maroubra, submitted by Lindsay Bennelong Developments. Our concerns remain consistent with those raised in earlier submissions to Randwick Council and the Sydney Eastern City Planning Panel (SECPP), both of which have already rejected this proposal, and which was further dismissed at the Land and Environment Court (LEC) on appeal. This application is essentially a re-work of the previous scheme (DA/80/2023), rejected by Randwick Council.

Half the residential populus within 140 Maroubra Road, have their apartments facing directly west and will adjoin the proposed development. All will essentially have their views, removed and face a giant wall of darkness if this proposed development proceeds as planned. The other half of our residents are east-facing apartments, which face internal to our building, will have significantly reduced regular sunlight access if any building over 7 storeys high is constructed (where our building is 7 storeys’ also).

Furthermore, we are extremely concerned not only about the project’s unacceptable scale and impact, but also the questionable process by which this development and the actions of the developer, and their employed contractors, have approached community consultation and the approach to this development.

It is clearly apparent that the developer’s approach in instruction for this development proposal, is to push the absolute limits of what is legislated and acceptable in planning and “settle’ for what is left. This is not considerate of the area, LGA, needs of the community or in keeping with the suburb dynamics. Given the sheer size of the developments that are happening within 1km of 138 Maroubra Rd, in the Eastgardens area next door to Westfield Eastgardens, we see no valuable reason for the type or scale or development at 138 Maroubra Rd.

I would also like to add that we find it unrealistic that any proposal for “affordable” housing could be included in a project such as this. Whilst we are privileged to live in Maroubra, we are under no reservations that a suburb 2kms from the beach is “affordable” in Sydney.

Please find below, our detailed reasons for Objection:

1. Excessive Height and Density

The proposed building grossly exceeds local planning expectations for the area. The scale and bulk are inappropriate for the location and appear designed to maximise yield rather than reflect the character or needs of the community. There are insufficient setbacks and separation distances, made worse by the increased height. The rooftop garden—with trees, structures and regular use— effectively adds another occupiable level. This proposal disregards fundamental

planning controls and the clear SECPP and Land & Environment Court findings that the site cannot support a building of this yield.

2. Loss of Privacy and Overshadowing

The close proximity of this large structure to existing residences, particularly the Botanica Building, will result in severe loss of privacy and overshadowing, significantly affecting the amenity and liveability of dozens of homes. There will be immeasurable privacy loss for half of the buildings residents who face west. Despite the “angled” windows proposed, this would still allow for privacy to be impacted as the Botanica building balconies and bedroom windows face directly west and the residents of 138 Maroubra Rd would still be able to see into those residences of 140 Maroubra Rd.

There are also privacy concerns for the Children’s Child Care centre which is located on Level 1 of our Building. Whilst that does not sit under our Strata Plan title, it sits directly beneath and within it. The building residents will be able to see directly down onto the outdoor play area of the childcare centre. In addition, the overshadowing of the building will prevent any meaningful sunlight exposure – especially during Winter months – for the centre.

3. Traffic and Parking Impacts

Maroubra already suffers from congestion and limited parking infrastructure. This development will only exacerbate these issues without any corresponding upgrades or mitigation strategies. Flooding, traffic and congestion risks have not been meaningfully addressed despite well-known existing pressures in the area.

Additionally, ALL resident carpark access to 140 Maroubra Rd and Loading Dock access to the Pacific Square Shopping Centre is provided through the rear of the proposed site at 138 Maroubra Rd, along the road known as Piccadilly Pl.

This is a dead-end small road which commences at a small roundabout on Bruce Bennetts Place and ends in the loading dock which is used by the retail in Pacific Square, which includes Coles, Aldi, Harris Farm and various small businesses. The loading dock is also used for both commercial and residential garbage disposal and has to accommodate council garbage and recycle trucks. This loading dock operates 7 days per week from 6 am to 10 pm.

Piccadilly Place is also the only access and exit for 609 residential parking places in Pacific Square. In addition to this, there is an exit onto Bruce Bennetts Place for customers from Pacific Square shopping centre. The retail carpark operates until 12 midnight. The Police Station vehicles also enter and exit onto Bruce Bennetts Place, twenty four hours a day.

On the corner of Bruce Bennetts Place and Piccadilly Place is the built in fire apparatus for any fire trucks which respond to alarms in Pacific Square retail, the five Pacific Square residential buildings and the Newington complex across Bruce Bennetts Place.

4. Tokenistic Approach to Affordable Housing

While the development seeks to justify its increased scale by including 15% infill affordable housing, there is no clarity around the integration, quality, or long-term management of these dwellings. Such gestures often serve as a lever to secure bonus floors, rather than a genuine contribution to housing equity.

5. Selective and Inadequate Community Consultation

The early consultation process was deeply flawed. All Botanica residents (arguably the most directly impacted by this development) were not notified of the proposal during the community consultation period. This selective distribution of information via flyer to other, less impacted addresses appeared strategic, aimed at minimising dissent rather than inviting genuine community feedback. Most recently, we have only been given 2 weeks opportunity to make a submission on this SSD via the planning portal when the NSW Government's own guidelines state that the exhibition period should be 4 weeks (see Section 6.1 of the State Significant Development Guidelines).

6. Inadequate Environmental and Technical Assessment

The submitted shadow analysis fails to properly account for existing built form, seasonal sun paths and overshadowing patterns. Comprehensive acoustic modelling has also not been provided, despite foreseeable impacts from rooftop use, minimal setbacks and proximity to the childcare centre.

7. Precedent and Future Impacts

The Council's DCP explicitly notes that maximum height and building depth cannot be achieved on small allotments. The developer is attempting to force a yield intended only for an amalgamated site, ignoring the constraints and consequences for surrounding residents. Approval would also compromise the future planning potential of the adjoining Maroubra Police site, likely forcing further non-compliant development. The developer has also previously indicated and created plans (showcased during the LEP court hearing) they had initially designed the development of 138 Maroubra Rd, with the – assumptive - intention of acquiring Crown Land of the NSW Police Maroubra Station site to further develop and align to the 138 Maroubra Rd site.

8. Construction Conflicts and Safety Risks

There are also critical concerns about the safety, structural and operational risks created by the SSD proposal. Pacific Square is about to commence a major multi-year façade, waterproofing, balcony and structural remediation program along the shared boundary with 138 Maroubra Road. The proposed demolition, excavation and construction of a 9-10-storey building immediately adjacent to these sensitive works poses significant and unacceptable risks, including vibration impacts on curing membranes and concrete repairs, dust and debris contamination, overlapping exclusion zones, constrained access for contractors, and compromised pedestrian and emergency egress in a high-traffic mixed-use precinct. The EIS does not meaningfully address these adjacent-construction risks or the cumulative impacts of two major projects operating concurrently.

IPC Referral Triggers

As per the NSW Planning System SEPP (Schedule 1, Clause 26), I respectfully draw your attention to the relevant thresholds for automatic referral to the Independent Planning Commission (IPC), namely:

- Where the local council has objected,
- Where 50 or more public objections are received (with petitions and similar submissions counted as one), or

- Where the applicant has made a reportable political donation.

In this context, I urge the Department to consider that Lindsay Bennelong Developments has previously been found guilty of breaching political donation laws: De Celis (Election Funding Authority) v Lindsay Bennelong Developments [2012] NSWSC 917 <https://www.caselaw.nsw.gov.au/decision/54a638593004de94513d9dd5>

Given this precedent, and ongoing transparency issues and incongruence with the public exhibition period timeframe with the SSD Guidelines the community has reason to be concerned about transparency and due process.

This proposal has already been rejected by the Sydney Eastern City Planning Panel and their appeal dismissed by the Land and Environment Court <file:///Users/louise/Downloads/Court%20Judgment%207%20November%202024.pdf>.

Despite minor modifications, the substance of the application remains out of scale and out of touch with community expectations.

The Department must not permit the SSD framework to be used as a back door to push through previously rejected developments.

We understand the need for the NSW and Federal Government's to support approval for housing given our future population growth however we must have housing that suits the community needs and is in keeping with the area. This proposal does not reflect that.

I would urge this proposal be reviewed and scrutinised with every possible lens to ensure that this development is reasonable for the community and reflects the needs of the community which exists in this area.

Kind Regards,

On behalf of The Owners' Corporation SP81311 – 140 Maroubra Rd Maroubra NSW 2035

Georgianna Richmond (nee Lymberatos)

Secretary SP81311